

REMARKS

Claims 16, 18-27, 29 and 30 are pending in this application.

Claim Amendments

By this amendment, claim 17 is canceled and the limitations thereof added to claim 16. Claim 16 is also amended to indicate that in the method the fuel that is essentially free of organic sulfur-containing compounds is processed without having been subjected to hydrodesulfurization. The basis for this amendment resides at, for example, page 3, lines 12-14 of the specification. Claim 28 is canceled, and the limitations thereof added to claim 27. No new matter is added by this amendment.

Rejection under 35 USC 112 (paragraph two)

Claims 27-30 stand rejected under 35 USC 112 (paragraph two) as not distinctly claiming the invention. This rejection is respectfully traversed.

In response, applicants submit that claim 27 reflects the essential elements of the present invention upon reciting particular structural features/components of the fuel cell system. It is also submitted that it would be unreasonable to include in claim 27 each and every other conventional component that would be present in the fuel cell system. The formulation of the claim in the manner suggested by the Examiner would be onerous and lead to confusion as to those features that are regarded as representing a significant contribution to the art. It will also be noted that significantly more information as to implementation of the invention, in the context of a conventional fuel cell system, is included in the description accompanying the application.

Under the circumstance, it is submitted that the claims as presented comply with the requirements of the statute. The rejection should accordingly be withdrawn.

Rejection under 35 USC 102(a)

Claims 16, 18-24, 26-27 and 29-30 stand rejected under 35 USC 102(a) as being anticipated by Jeschke '548. This rejection is respectfully traversed.

In response, the limitations of non-rejected claim 17 are added to claim 1, and the limitations of non-rejected claim 28 are added to claim 27. The rejection is thus moot, and should be withdrawn.

Rejection under 35 USC 102(b)

Claims 16, 18-22, 24, 26-27 and 29-30 stand rejected under 35 USC 102(b) as being anticipated by Johnssen. This rejection is respectfully traversed.

In response, the limitations of non-rejected claim 17 are added to claim 1, and the limitations of non-rejected claim 28 are added to claim 27. The rejection is thus moot and should be withdrawn.

Rejection under 35 USC 102(b)

Claims 16-19 and 24-30 stand rejected under 35 USC 102(b) as being anticipated by Buswell et al. This rejection is respectfully traversed.

Buswell discloses a fuel cell system, and a method of operating a fuel cell system in which a primary hydrocarbon fuel is subjected to fuel processing to produce a hydrogen-rich fuel

stream that is ultimately delivered to a fuel cell. As part of the processing, the primary hydrocarbon fuel is subjected to hydrodesulfurization – see column 7, line 56 to column 8, line 5 of the reference. The fuel is then subjected to other processes before a portion of the resultant fuel stream is tapped off and directed to a hydrogen recycle compressor to provide hydrogen for hydrodesulfurization of the primary hydrocarbon fuel. The various processes involved are described at column 8, lines 5-59, with lines 59-64 indicating that a portion of the processed hydrocarbon fuel is recycled to effect hydrodesulfurization.

Thus, it is evident that the fuel stream that is used as a hydrogen source for hydrodesulfurization is one that has been produced by hydrodesulfurization of the primary hydrocarbon fuel. By contrast, this possibility is specifically excluded by the claims as amended. Claim 16 now requires that the fuel that is processed in order to produce the hydrogen-containing stream for use in hydrodesulfurization of the primary hydrocarbon fuel has not been subjected to hydrodesulfurization. Claim 27 similarly reflects the same in relation to the fuel cell system that is claimed.

The claimed invention is thus neither disclosed nor suggested by the cited prior art, and the rejection should accordingly be withdrawn.

Rejection under 35 USC 103(a)

Claims 20-22 stand rejected under 35 USC 103(a) as being unpatentable over Buswell et al. This rejection is respectfully traversed.

In response, the reference is directed to a fundamentally distinct approach to the generation of a hydrogen-containing stream for use in hydrodesulfurization of a primary

hydrocarbon fuel for a fuel cell system. The reference teaches the processing of the primary hydrocarbon fuel, including a hydrodesulfurization thereof, in order to generate an hydrogen-enriched stream a portion of which is then divided and recycled upstream for hydrodesulfurization of the primary hydrocarbon fuel.

In view of the amendment to claim 16, it is clear that the cited reference fails to disclose or suggest the claimed invention, and the rejection should be withdrawn.

Rejection under 35 USC 103(a)

Claim 23 stands rejected under 35 USC 103(a) as being unpatentable over Buswell et al in view of Jeschke. This rejection is respectfully traversed.

In response, in view of the above amendment to claim 16, the subject matter of claim 23 is believed to clearly distinguish over the cited prior art. The rejection is thus without basis, and should be withdrawn.

In view of the above, the application is believed to be in condition for allowance, and an early indication of same is earnestly solicited.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Raymond C. Stewart (Reg. No. 21,066) at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

Payment in the amount of \$1020.00 is submitted herewith as payment for the requested three month extension of time.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.14; particularly, extension of time fees.

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Respectfully submitted,

By 
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